

CASE NUMBER 5:04cr25-1
USA

VS

JAMES NAPLES

Defendant

David Botsford

Attorney

DATE: 12/22/04
LOCATION: **Texarkana**
JUDGE: **David Folsom**
DEPUTY CLERK: **Mel Martin**
RPTR/ECRO: **Libby Crawford**
USPO: **Mike Carr**
INTERPRETER: **n/a**
US ATTORNEY: **W. Rivers/Malcolm Bales**
assigned/appeared
(a.m.)
BEGIN:

SENTENCING

☒ Sentencing called ☒ ksen. Sentencing held
☒ Court adopts presentence report
☐ Court adopts presentence report w/exception of: _____
☐ Court departs from guidelines ☐ on motion of the govt ☐ other _____

CT	CUSTODY	FINE	REST	PROB	SUP/REL	CC/CS	W/CT	SP/AESS
1 if			\$2,000,000.00	2 yrs				\$100.00

SPECIAL CONDITIONS:

☒ Shall abide by standard conditions of release, to include committing no offenses; federal, state or local and shall not illegally possess a controlled substance.
☐ Court finds mandatory drug test w/in 15 days of release unnecessary
☐ Dft shall report in person to the probation office in the district to which the dft is released within 72 hrs of release from the custody of the Bureau of Prisons.
☒ Dft shall not possess a firearm or other destructive device.
☐ Dft shall provide the probation officer with access to any requested financial information.
☐ Dft shall participate in a program of testing and treatment for drug/ alcohol abuse, as directed by the probation officer, until such time as dft is released from the program by the probation officer.
☐ Dft shall participate in a program of mental health treatment, as directed by the probation officer, until such time as dft is released from the program by the probation officer.
☐ Dft shall not illegally possess a controlled substance.
☒ Dft shall cooperate in the collection of DNA
☒ Dft shall not associate with co-dfts
☒ Court suspends mandatory drug testing
☒ Dft shall perform 250 hrs of community service as directed by the probation officer.
☐ Dft shall be placed on home detention for a period of _____ days/months, to commence (immediately/immediately following release from imprisonment). During this time dft shall remain at his/ her place of residence except for employment and other activities approved in advance by the probation officer. Dft shall maintain a telephone at residence without any special services, modems, answering machines, or cordless telephones for the above period.
☐ Dft shall reside in a community corrections center for a period of ____ mos to commence on ____, and shall observe the rules and regulations of that facility.
☐ The Court recommends service of sentence at _____.
☐ Denial of Federal Benefits for a period of _____ years.
☐ The Court recommends that the dft participate in _____ while incarcerated.
☐ kosurr .. Dft ordered to surrender on _____ to ☐ USM ☐ designated institution.
☐ ko.bnd .. Dfts bond ☐ set ☐ reduced to \$ _____ ☐ cash ☐ surety ☐ 10% ☐ PR ☐ unsecured
☐ kbnd ... Bond continued ☐ previous bond in this case \$ _____ type _____ ☐ other case No. _____
☒ kdismcntgv. Counts **indictment in 5:04cr25** is dismissed on governments motion.
☐ Dft failed to appear ☐ Koralo. Order for arrest warrant ☐ bond forfeited.
☒ **Dft advised of right to appeal & court appointed counsel.** ☐ Dft remanded to the USM
☒ kpsi. ... Presentence Report Sealed. ☐ ... P.S.I (Sentencing Portion Only) Sealed

☒ kminf. . . ☐ kexhlst. ... Exhibit List Filed ☐ kwitlst. ...Witness List Filed

9:39 ICC with Botsford, Rivers, Bales, and Carr (USPO); ct/ PSR objections and they do not move guidelines one way or another; Botsford/ fine range; ct/ will abide by restitution; Bales/ satisfied; ct/ agreed in plea agreement that he not be a part of medicare or medicaid; that covers him individually; Botsford/ a different corporation is running the hospital; some outstanding claims remaining that are trying to be resolved; Bales/ sanctions in place; ct/ suggestion and inclined to order 250 hrs of community service; Botsford/ recommended 2yrs probation and will ct consider reducing; ct/ no, not at this time but, dft may file a motion at a later date, ct may not grant it but he can file a motion; ct/ travel outside US must be pre-approved by Mr. Carr; Botsford/ character letters were submitted at detention hrg; ct/ objections in PSR; Botsford/ responds; Rivers/ replies; Bales/ several avenues of investigations; 10:01 recess; 10:06 ct resumes; 10:09 ct/ routinely gives acceptance of responsibility in any case that has a plea; Bales/ no objection; Botsford/ objection to paragraph 49 of PSR; Bales/ responds; ct/ will sustain as to 2 points; Botsford/ comments on behalf of Dr. Naples; 10:17 Bales/ responds; ct/ conditionally accepted plea awaiting PSR and has found no reason why ct should not accept the plea; ct accepts plea agreement; 10:24 Botsford/ free foot clinic be considered community service; Bales/ responds; Botsford/ replies and asks to allow him to render free services; ct/ submit written proposal in that regard and then ct will make a decision; Botsford/ dismissal of New Boston General Hospital; Bales/ responds and agrees that can be done by written motion; ct/ pending motion re: release of property; Bales/ responds; ct/ will grant that motion pending the conclusion of all pending civil and criminal matters; Bales/ will notify the ct; 10:28 recess;